

FEB 03 2006

Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)

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<b>PRE-APPEAL BRIEF REQUEST FOR REVIEW</b>		Docket Number (Optional) 1005.P001US	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]  on <u>February 3, 2006</u> Signature <u>Mary Jo Bertani</u>  Typed or printed name <u>Mary Jo Bertani</u>		Application Number 09/415,295	Filed October 8, 1999
		First Named Inventor Amir Ben-Efraim	
		Art Unit 2151	Examiner Dinh, Khanh Q.
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.  This request is being filed with a notice of appeal.  The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/98) <input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>42,321</u> <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____		<u>Mary Jo Bertani</u> Signature <u>Mary Jo Bertani</u> Typed or printed name <u>949 251 0260</u> Telephone number <u>February 3, 2006</u> Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.			
<input type="checkbox"/> *Total of _____ forms are submitted.			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Applicant(s): Amir Ben-Efraim; Tae Hae Nahm; David Hudson  
Assignee: AT ROAD, INC.  
Title: Portable Browser Device with Voice Recognition and Feedback Capability  
Serial No.: 09/415,295 Filing Date: October 8, 1999  
Examiner: Dinh, Khanh Q. Group Art Unit: 2151  
Docket No.: 1005.P001 US

Irvine, California  
February 3, 2006

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**REMARKS IN SUPPORT OF PRE-APPEAL BRIEF  
REQUEST FOR REVIEW**

Dear Sir:

This paper is being filed with the Pre-Appeal Brief Request For Review in response to the Final Office Action dated October 6, 2005, having a shortened statutory period expiring January 6, 2006. A Petition to extend the time period for response for one (1) month is filed herewith, setting a new period for response that expires February 6, 2006. Further consideration is respectfully requested for the reasons set forth below.

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Serial No. 09/415,295  
February 3, 2006

***Omission Of Essential Elements Required  
To Establish A Prima Facie Rejection***

Claims 1, 2, 4, 5, 8-18, 21, 23, and 86-89 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hitchings Jr. (hereafter Hitchings), U.S. Patent No. 6,594,484 in view of Logan *et al.* (hereafter Logan), US Pat. No. 5,732,216.

Claims 24-41, 43, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hitchings and Logan and further in view of Garceran *et al.* (hereafter Garceran), U.S. Pat. No. 6,552,888.

Claims 94-96 and 98 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hitchings in view of Logan as item 4 in the Office Action and further in view of Garceran.

The Examiner failed to establish anticipation and/or obviousness because the cited Logan reference includes a radio link for downloading audio data, but does not include a short range radio 728, a wireless communication interface 700, and a car radio 726 as set forth in Claim 1 and shown in FIG. 7 of the present disclosure. In contrast, FIG. 1 of Logan shows a modem 115 receiving signals from Internet Service Provider 121. The client CPU 105 outputs signals from the modem to a sound card 110. The description of the Logan device teaches that the radio link (117) can be used for communication between the Internet service provider 121 and PC client player 103. (Logan, col. 6 lines 36-48). There is no component in Logan that provides a short range radio link between an audio converter (sound card 110 in Logan) and a car radio (computer player 103 in Logan). Thus, Logan does not teach or suggest all of the elements of Claim 1.

Claim 1 is thus allowable over Hitchings and Logan, alone and in combination for at least the foregoing reasons. Independent claims 24, 86, and 94 include features similar to those in Claim 1 that are distinguishable from the prior art. Claims 2, 4-5, 8-18, 21, and 23 depend from Claim 1, Claims 25-30, 32-42, and 43-44 depend from Claim 24, Claims 87-89

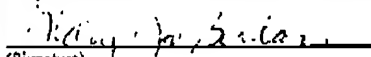
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depend from Claim 86, and Claims 95-98 depend from Claim 94, and include features that further distinguish them from the prior art. Allowance of Claims 2, 4, 5, 8-18, 21, 23, 24-30, 32-42, 43, 44, 86-89, and 94-98 is respectfully requested for at least the same reasons as Claim 1.

### CONCLUSION

In view of the remarks set forth herein, Applicant believes the Examiner has failed to establish a *prima facie* case for anticipation and obviousness. Applicant believes Claims 1, 2, 4, 5, 8-18, 21, 23-30, 32-41, 43, 44, 86-89, and 94-98 are in form for allowance and a notice to that effect is solicited. In the event it would facilitate prosecution of this application, the Examiners are invited to telephone the undersigned at (949) 251-0250.


I hereby certify that this correspondence is being facsimile transmitted to the USPTO, Central Number at (571) 273-8300 on the date shown below

  
(Signature)

Mary Jo Bertani  
(Printed Name of Person Signing Certificate)

February 3, 2006  
(Date)

Respectfully submitted,



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